

YEAS—11.

Buchanan of Grimes
Buchanan of Wood,
Cooper,
Harris,

Hightower,
Lane,
Ross,
Terrell.

Tilson,
Weatherred,
Wynne.

NAYS—14.

Gooch,
Henderson,
Homan,
Houston,
Lightfoot,

Martin of Cooke,
Martin of Navarro,
Moore,
Patton,
Powers,

Rainey,
Shannon,
Stewart,
Stubbs.

Senator Patton offered the following substitute for the minority report:

SUBSTITUTE.

The Legislature of the State of Texas, for the purpose of encouraging immigration, may make annual appropriations for the gathering and disseminating of information in regard to the statistics of the health, climate, soil and resources, and the history of the State.

Senator Terrell offered the following amendment to the substitute of Senator Patton: Amend substitute of Senator Patton by striking out the words "encouraging immigration" and insert in lieu thereof the following, "of inducing the immigration of a self-sustaining population willing and able to come without State aid." Accepted by Senator Patton.

Substitute lost and resolution ordered engrossed by the following vote:

YEAS—14.

Gooch,
Henderson,
Homan,
Houston,
Lightfoot,

Martin of Cooke,
Martin of Navarro,
Moore,
Patton,
Powers,

Rainey,
Shannon,
Stewart,
Stubbs.

NAYS—11.

Buchanan of Grimes
Buchanan of Wood,
Cooper,
Harris,

Hightower,
Lane,
Ross,
Terrell,

Tilson,
Weatherred,
Wynne.

The President pro tem. then signed House bill No. 11, entitled "An act to amend article 435 of the Code of Criminal Procedure, providing for the transfer of indictments from the district courts to courts having jurisdiction."

Senate joint resolution No. 14, proposing an additional article to the Constitution, to be known as an "Article on Immigration," was taken up, read second time, majority report adopted and resolution lost.

Senate joint resolution No. 18, proposing to amend section 11, article 8 of the Constitution of the State of Texas, was taken up and read second time.

On motion of Senator Stewart, resolution was postponed until one week from to-morrow.

Senate bill No. 18, entitled "An act regulating juries in capital cases," was taken up, read second time, with majority and minority reports.

Senator Henderson offered the following as a substitute:

A bill to be entitled "An act to amend chapter 2, title 8, of the Code of Criminal Procedure, entitled 'Of the special venire in capital cases.'"

On motion of Senator Houston the bill and substitute were postponed and made the special order for Monday, fourteenth inst., and 100 copies of the substitute ordered printed.

Senate bill No. 19, entitled "An act to amend article 4662, chapter 1, title 95, of the Revised Civil Statutes of the State of Texas, so as to reduce the ad valorem State tax to the rate of forty cents on a hundred dollars," was taken up and read second time.

Senator Patton moved to postpone the bill till one week from to-day.

(Senator Houston in the chair.)

Senator Patton's motion to postpone was lost by the following vote:

YEAS—12.

Buchanan of Grimes
Henderson,
Houston,
Lightfoot,

Martin of Cooke,
Martin of Navarro,
Patton,
Powers,

Rainey,
Shannon,
Stewart,
Tilson.

NAYS—13.

Buchanan of Wood,
Cooper,
Gooch,
Harris,
Hightower,

Homan,
Lane,
Moore,
Ross,

Stubbs,
Terrell,
Weatherred,
Wynne.

Senator Homan offered the following amendment: Add the following section:

Article 4664. There shall be levied upon and collected from every male person between the ages of twenty-one and sixty years, resident within this State, on the first day of January of each year (Indians not taxed, and persons insane, blind, or those who by amputation or otherwise have lost the use of a hand or foot excepted), an annual poll tax of one dollar each, for the benefit of public free schools."

Also, amend caption by inserting after "4662" the following "and 4661."

Senator Rainey moved to adjourn till to-morrow morning at 10 o'clock. Lost.

Senator Stewart moved to postpone the bill until to-morrow, and that it be made the special order immediately after the two special orders already set for to-morrow are disposed of.

Senator Lane moved to amend the motion by adding the words "to be continued from day to day until disposed of." Adopted and the motion as amended adopted.

On motion of Senator Cooper, Senate adjourned till to-morrow at 10 A. M.

TWENTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, February 4, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Martin of Navarro, the reading of the journal of yesterday was dispensed with, and same adopted.

Senator Shannon, chairman of Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,

AUSTIN, February 4, 1881.

Hon. John Y. Gooch, President pro tem. of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 47, to be entitled "An act to amend article 4256, chapter 10, title 84, of the Revised Civil Statutes," have considered the same, and I am instructed by the committee to report the bill back to the Senate, and recommend its passage.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 4, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 58, to be entitled "An act to amend article 4256 of the Revised Civil Statutes of the State of Texas," relating to passenger fare on railroads, have considered the same, and I am instructed to report that the object sought to be obtained by said bill is fully provided for by the provisions of Senate bill No. 47, entitled "An act to amend article 4256, chapter 10, title 84, of the Revised Civil Statutes," this day favorably reported to the Senate. Your committee therefore ask that they be discharged from its further consideration.

SHANNON, Chairman.

Bill read first time.

Senator Tilson, by leave, presented a petition addressed to his Excellency Governor Roberts, and signed by Miss Harriet A. Fowler, of Piqua, Miami county, Ohio, attorney for the

heirs of A. W. Alexander, a Texas veteran, now deceased, but, while living, long in the service of the State of Texas, and for some time a prisoner in Perote Castle, Mexico, asking that an appropriation be made for said heirs in consideration of his services to the State. Referred to Committee on Private Land Claims.

Senator Houston, by leave, presented a memorial signed by citizens of Gillespie county, asking that the term of the district court of that county may be increased from one week to two weeks. Referred to Committee on Judicial Districts.

Senator Terrell introduced a bill entitled "An act making an appropriation to pay the balance due by the State of Texas for furniture purchased and supplied for the Capitol of said State by authority of an act of the Legislature of said State, entitled, 'an act to provide for the erection of a capitol of the State of Texas,' approved February 14, 1852." Referred to Committee on Claims and Accounts.

Senator Patton, chairman of the Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 3, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on State Affairs have considered "House joint resolution No. 11, granting leave of absence to the Hon. Jo. Abbott, Judge of the Twenty-eighth Judicial District," and recommend that it do pass.

PATTON, Chairman.

Resolution read first time.

COMMITTEE ROOM,
AUSTIN, February 3, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on State Affairs have examined the message of his Excellency Governor O. M. Roberts, recommending the repeal of the statute authorizing the appointment of public weighers, and direct me to return the same to the Senate without recommendation, for the reason that a bill repealing said statute has already passed the Senate.

PATTON, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on State Affairs have examined Senate joint resolution No. 36, entitled, "Joint resolution expressing sympathy for the people of Ireland in their struggle against the oppressive system of British landlordism," and recommend that it do pass.

PATTON, Chairman.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 107, entitled "An act to re-organize the Tenth Judicial District, and to establish the Thirty-fifth Judicial District, and to prescribe the times of holding courts therein, and to provide for the appoint of a district judge and district attorney," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

WEATHERRED, Chairman.

Bill read first time.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined Senate joint resolution No. 13, entitled "Joint resolution proposing to repeal section 56 of article 10 of the Constitution of the State of Texas," and find said resolution correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Lightfoot introduced a bill entitled "An act to authorize the Governor, the Comptroller, and the Commissioner of Insurance, Statistics and History, to examine and purchase the portraits of the presidents of the Republic of Texas and of the governors of the State of Texas, for the use

of the State." Referred to Committee on Insurance, Statistics and History.

Senator Houston offered the following concurrent resolution:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Senate and House of Representatives do adjourn sine die on the first day of March, A.D. 1881, at 12 o'clock M.

Referred to the Committee on Finance.

Senator Powers introduced a bill, with accompanying certificate, signed and certified to by J. M. Peacock, of the Democratic Statesman, entitled "An act to authorize and require the Commissioner of the General Land Office to issue a patent on certificate No. 291 to the Mexican Telegraph Company, a corporation chartered under the laws of the State of New York, which certificate was issued to the Houston and Texas Central Railroad Company for 640 acres of land, and has been located and surveyed upon the Island of Brazos de Santiago, in Cameron county; and to designate the alternate section of 640 acres, located and surveyed adjoining the location, as belonging to the public school lands of this State." Referred to Committee on Public Lands.

Senator Martin of Cooke, chairman of Committee on Public Lands, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands to whom was referred House bill No. 13, "An act for the relief of all persons whose lands have been sold for taxes and bought in by the State," have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do pass.

The bill is a substitute for Senate bill No. 6, passed by the Senate at this session, differing only from the Senate bill in phraseology.

MARTIN of Cooke, Chairman.

Bill read first time.

Senator Shannon introduced a bill entitled "An act to amend article 577, chapter 3, title 20, Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 1.

Senator Lane introduced a bill entitled "An act to amend article 1828, chapter 4, and article 1873, chapter 6, title 37, of the Revised Civil Statutes." Referred to Judiciary Committee No. 1.

Senator Stewart, chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Judiciary Committee No. 2 beg leave to report that they have carefully considered the memorial of Richard Allen and quite a number of other citizens of Harris county, in regard to the hiring out of county convicts, and the wrongs inflicted upon such convicts under the operation of the present law. Your committee are of the opinion that the memorialists have presented just grounds of complaint to the existing statutes, and that in the enforcement of the law great injustice has been done to a class of beings who are utterly helpless, and whose wrongs cry aloud for redress under the law as it now stands. A person who has been convicted of a misdemeanor or petty offense, and who shall be committed to the county jail in default of the payment of the fine and costs, may be hired out to any individual, company or corporation until the money received from his hire is sufficient to liquidate such fine and costs in full, and there is no minimum price fixed for such hire, and the memorialists represent that instances have occurred where such unfortunate persons have been hired out at less than one cent per day. Your committee are of opinion that this is an outrage upon humanity and an oppression upon the weak, that should not exist in a free and enlightened government. The memorialists also call the attention of the Legislature to the fact that under article 3593 of the Revised Civil Statutes, such convicts have been subjected "to the severe and disgraceful use of the lash." This should not be, nor do your committee believe that such brutality is authorized by the article in question, but the statute is so general in its terms that in order to stop the evil, the law should be amended in response to the complaint made by the memorialists. I am instructed by the committee to report the following bills to the Senate and recommend their passage.

STEWART, Chairman.

First—Committee bill, entitled "An act to amend articles 3602 and 3603, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas."

Bill read first time.

Second—Committee bill, entitled "An act to amend article 3593, chapter 9, title 71, of the Revised Civil Statutes of the State of Texas."

Bill read first time.

Senator Houston introduced a bill entitled "An act providing for the custody and safe keeping of the Texas reports, statutes and other law books belonging to the counties in this State." Referred to the Judiciary Committee No. 1.

House bill No. 7, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the ship's tackle," being special order for the hour, was taken up.

On motion of Senator Martin of Cooke, the bill was postponed, and House bill No. 13, entitled "An act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State may redeem the same," being a substitute for Senate bill No. 6, was taken up.

Rules suspended and bill placed on its second reading by the following vote:

YEAS—21.

Buchanan of Grimes	Houston,	Ross,
Cooper,	Martin of Cooke,	Shannon,
Gooch,	Martin of Navarro,	Stewart,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Powers,	Weatherred,
Homan,	Rainey,	Wynne.

NOT VOTING—4.

Buchanan of Wood,	Lightfoot,	Stubbs.
Lane,		

Bill read second time.

Senator Gooch offered the following amendment: Amend by striking out in section — the words "from the passage of this act" and insert "from the time this act takes effect." Withdrawn, and bill passed to third reading.

On motion of Senator Martin of Cooke, the rules were suspended to place the bill on its third reading by the following vote:

YEAS—23.

Buchanan of Grimes	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Powers,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,	Ross,	

NOT VOTING—2.

Buchanan of Wood,	Lane.
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Bill read third time and passed by the following vote:

YEAS—25.

Buchanan of Grimes	Lane,	Ross,
Buchanan of Wood,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Powers,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,		

The consideration of Senate bill No. 7, with regard to the employment of sailors and crews was resumed, the amendment of Senator Hightower pending.

Amendment lost by the following vote:

YEAS—9.

Henderson,	Moore,	Terrell,
Hightower,	Ross,	Weatherred,
Martin of Navarro,	Stewart,	Wynne.

NAYS—15.

Buchanan of Grimes	Homan,	Powers,
Buchanan of Wood,	Houston,	Rainey,
Cooper,	Lane,	Shannon,
Gooch,	Lightfoot,	Stubbs,
Harris,	Martin of Cooke,	Tilson.

NOT VOTING.

Patton.

Senator Stewart offered the following amendment: After the word "contrary," in twenty-eighth line, add the following, viz: "Nor to any contract or contracts of which the United States courts have jurisdiction." Lost, and bill passed to third reading.

House bill No. 46, being the next special order of to-day, and entitled "An act to diminish the civil and criminal jurisdiction of the county courts of certain counties, and to conform the jurisdiction of the district and justices' courts to this change," was taken up and passed to third reading.

Rules suspended on motion of Senator Homan, and bill placed on third reading by the following vote:

YEAS—24.

Buchanan of Grimes	Houston,	Ross,
Buchanan of Wood,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Powers,	Weatherred,
Homan,	Rainey,	Wynne.

NOT VOTING.

Lane.

Bill read third time, and passed by the following vote:

YEAS—25.

Buchanan of Grimes	Lane,	Ross,
Buchanan of Wood,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Powers,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,		

NAYS—none.

House bill No. 51, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Lampasas, Blanco, and Bexar counties, and conform the jurisdiction of the district and justices' court to such change," being next on special order, was taken up.

Senator Houston offered the following amendment:

Add after the word "Bexar," wherever it occurs in the bill or caption, the words, "Bandera, Wharton, San Patricio, Live Oak, McMullen, Medina, Frio, Dimmitt, La Salle, Hidalgo, Starr, Zapata and Duval."

Senator Terrell offered the following amendment to Senator Houston's amendment: Amend by adding Burnet county. Accepted.

Senator Houston's amendment was then adopted, and bill passed to third reading.

On motion of Senator Houston, rules were further suspended, and bill placed upon its third reading by the following vote:

YEAS—22.

Buchanan of Grimes	Lightfoot,	Ross,
Buchanan of Wood,	Martin of Cooke,	Shannon,
Gooch,	Martin of Navarro,	Stewart,
Harris,	Moore,	Stubbs,
Henderson,	Patton,	Terrell,
Hightower,	Powers,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,		

NAYS—none.

NOT VOTING—3.

Cooper,	Lane,	Tilson.
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Bill read third time and passed by the following vote:

Buchanan of Grimes	YEAS—23.	Ross,
Buchanan of Wood,	Lane,	Shannon,
Gooch,	Lightfoot,	Stewart,
Harris,	Martin of Cooke,	Stubbs,
Henderson,	Martin of Navarro,	Terrell,
Hightower,	Moore,	Weathered,
Homan,	Patton,	Wynne.
Houston,	Powers,	
	Rainey,	
Cooper,	NOT VOTING.—2.	
	Tilson.	

House bill No. 35, entitled "An act to amend article 1081, chapter 3, title 15 of the the Code of Criminal Procedure, adopted February 21, 1879, being the third special order, was taken up, Senator Wynne's amendment pending.

Senator Homan offered the following substitute for the amendment and bill:

SUBSTITUTE FOR HOUSE BILL NO. 35.

An act to amend article 1063 of the Code of Criminal Procedure of the State of Texas, and to repeal articles 1064 and 1081 of said code.

Section 1. *Be it enacted by the Legislature of the State of Texas,* That article 1063 of the Code of Criminal Procedure of the State of Texas be so amended as hereinafter to read as follows:

Article 1063. Each county shall be liable for the expenses of food and lodging for jurors impaneled in any criminal cause, not to exceed one dollar per day.

Section 2. That articles 1064 and 1081 of the Code of Criminal Procedure of the State of Texas be and they are hereby repealed.

Section 3. The fact that this act will save to the several counties in this State an enormous expense now incurred for the pay of jurors in criminal cases and will reduce the taxes upon the people, creates an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Lost by the following vote:

Henderson,	YEAS—2.	
	Homan.	
	NAYS—21.	
Buchanan of Grimes	Lane,	Shannon,
Buchanan of Wood,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Powers,	Tilson,
Hightower,	Rainey,	Weathered,
Houston,	Ross,	Wynne.
	NOT VOTING.	
	Patton.	

Senator Homan moved to strike out \$2, where it occurs in Senator Wynne's amendment, and insert \$5. Lost.

Senator Wynne's pending amendment was then adopted.

Senator Cooper offered the following amendment:

Provided further, That each justice of the peace shall keep a record of all scrip issued by him to jurors, and shall monthly file with the county clerk of the county a report under oath of the account of scrip so issued; and for failure to make such report shall be deemed guilty of a misdemeanor, and shall be fined not more than one hundred dollars.

Senator Homan moved to amend Senator Cooper's amendment by striking out the word "quarterly," and inserting "monthly." Accepted.

Senator Lane offered the following substitute for the amendment of Senator Cooper:

Justices of the peace shall make a report on the first Monday in each month to the county clerk of the names of the persons who have served as the jurors in his court for the preceding month and the number of days and fractions of days they have served respectively; and it shall be the duty of the county clerk to issue his warrant against the county treasurer in favor of persons so serving as jurors.

Accepted.

Senator Martin of Cooke moved to adjourn till to-morrow morning at 10 o'clock. Lost.

Senator Lane, chairman of Committee on Finance, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 3, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred the account

of John N. Lyle against the State of Texas for the sum of \$525.25, have had the same under consideration, and I am instructed by the committee to report the same back to the Senate, with the recommendation that it be referred to the Committee on Public Claims and Accounts, that being the appropriate committee for the consideration of said claim.

LANE, Chairman.

Report adopted and bill so referred.

Senator Buchanan of Wood offered the following amendment: Amend the amendment by adding "and every justice failing to make and file such report shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum of not less than \$25 and not more than \$250." Adopted.

Senator Buchanan of Grimes offered the following amendment: Amend article 1081 by substituting in lieu of all that occurs after the word "ordinances" in line 20, and the balance of said article to section 2, the following:

Provided, that no juror in justice's court shall receive anything except in civil cases, when he shall receive at least fifty cents in every case he may serve.

Senator Martin of Cooke moved to adjourn till to-morrow at 10 A. M. Lost.

Pending amendment was then lost by the following vote:

	YEAS—9.	
Buchanan of Grimes	Henderson,	Patton,
Buchanan of Wood,	Homan,	Powers,
Harris,	Martin of Cooke,	Terrell.
	NAYS—15.	
Cooper,	Martin of Navarro,	Stewart,
Gooch,	Moore,	Stubbs,
Hightower,	Rainey,	Tilson,
Lane,	Ross,	Weathered,
Lightfoot,	Shannon,	Wynne.
	NOT VOTING.	
	Houston.	

Senator Gooch offered the following amendment: Add after the words "number of days or fractions of days," the words "or case where the juror has only served in one case." Withdrawn.

Senator Gooch offered the following: Add to the amendment "the county treasurer shall not pay any jury certificate or scrip which has been issued by a justice of the peace until it has been reported as herein provided."

Senator Henderson moved to adjourn till to-morrow, at 10 A. M. Lost by the following vote:

	YEAS—10.	
Buchanan of Wood,	Lightfoot,	Stewart,
Cooper,	Moore,	Terrell,
Henderson,	Patton,	Tilson.
Hightower,		
	NAYS—14.	
Buchanan of Grimes	Martin of Cooke,	Shannon,
Gooch,	Martin of Navarro,	Stubbs,
Harris,	Powers,	Weathered,
Homan,	Rainey,	Wynne.
Lane,	Ross,	
	NOT VOTING.	
	Houston.	

Senator Patton moved a call of the Senate; call sustained. Roll called; absent—Senator Houston.

Senator Gooch moved that Senator Houston be excused.

Senator Henderson moved a call of the Senate. Call sustained. Roll called; absent—Senator Houston.

The President dispatched the sergeant-at-arms for the absent Senator, and the pending business went to the table.

Senate bill No. 19, entitled "An act to amend article 4662, chapter 1, title 95, of the Revised Civil Statutes of Texas, so as to reduce the *ad valorem* State tax to the rate of forty cents on the hundred dollars," being the fourth special order, was taken up.

On motion of Senator Martin of Navarro, the Senate adjourned until 10 o'clock to-morrow morning.